

JOURNAL OF THE HOUSE.

Thursday, June 7, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Guests of the House.

During the session, Mr. Murphy of Weymouth took the Chair, declared a brief recess and introduced students, faculty and friends from the Wessagusset Primary School in Weymouth, accompanied by Mary P. Jordan and Jamielynn Ryan. They were the guests of Representative Murphy of Weymouth.

Wessagusset
Primary
School.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Rushing of Boston) honoring Joseph F. Haley of Boston on his many accomplishments;

Joseph F.
Haley.

Resolutions (filed by Mr. Brownsberger of Belmont) congratulating Sean Mahoney on receiving the Eagle Award of the Boy Scouts of America;

Sean
Mahoney.

Resolutions (filed by Mr. Calter of Kingston) congratulating Shawn O'Neill on receiving the Eagle Award of the Boy Scouts of America;

Shawn
O'Neill.

Resolutions (filed by Representatives Fagan of Taunton, Canessa of New Bedford and Haddad of Somerset) congratulating Joseph M. Blain on the occasion of his retirement;

Joseph M.
Blain.

Resolutions (filed by Mr. Galvin of Canton) congratulating Dr. Irene Sherry Kaplan on the occasion of her retirement as Superintendent of the Canton Public Schools;

Irene
Sherry
Kaplan.

Resolutions (filed by Mr. Keenan of Salem and other members of the House) honoring President Nancy D. Harrington on her retirement from Salem State College;

Nancy D.
Harrington.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Matthew Buffum on receiving the Eagle Award of the Boy Scouts of America;

Matthew Buffum.

Resolutions (filed by Representatives Malia of Boston, Fox of Boston, St. Fleur of Boston and Walsh of Boston) recognizing the Boston Public School Safe Schools/Healthy Students Peace Hope Week;

Boston
Schools,
Peace Hope
Week.

Resolutions (filed by Mr. Murphy of Burlington) honoring Kathleen Burns on her retirement from the Burlington Public School System;

Kathleen
Burns.

Benjamin

James
Doyle.Matthew
Joseph
Doyle.Matthew
King.Rena
Mirkin.Keith
Harrison
Weisberg.Daniel
Alden
Wood.

Resolutions (filed by Ms. Peisch of Wellesley) honoring Benjamin James Doyle on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Matthew Joseph Doyle on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Matthew King upon his retirement as Superintendent of Schools;

Resolutions (filed by Ms. Peisch of Wellesley) honoring Rena Mirkin upon her retirement as Principal of Wellesley High School; and

Resolutions (filed by Ms. Peisch of Wellesley) honoring Keith Harrison Weisberg on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mr. Turner of Dennis) congratulating Daniel Alden Wood on receiving the Eagle Award of the Boy Scouts of America;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Rogeness of Longmeadow, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Barrows of Mansfield, petition (accompanied by bill, House, No. 4069) of F. Jay Barrows and James E. Timilty (by vote of the town) that the town of Foxborough be authorized to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises within the Patriot Place area of said town; and

By Mr. Keenan of Salem, petition (accompanied by bill, House, No. 4070) of John D. Keenan (with the approval of the mayor and city council) that the city of Salem be authorized to issue a license to David Halter for the sale of wine and malt beverages not to be drunk on the premises;

Severally to the committee on Consumer Protection and Professional Licensure.

By Mr. Swan of Springfield, petition (accompanied by bill, House, No. 4071) of Benjamin Swan (with the approval of the mayor and city council) relative to the composition and election of the city council and school committee of the city of Springfield. To the committee on Election Laws.

By Mr. Hill of Ipswich, petition (accompanied by bill, House, No. 4072) of Bradford Hill (by vote of the town) for legislation to make certain changes in the affordable housing trust fund in the town of Ipswich. To the committee on Housing.

By Mr. Casey of Winchester, petition (accompanied by bill, House, No. 4073) of Paul C. Casey and others (by vote of the town) for legislation to authorize the town of Stoneham to establish a capital improvement trust fund;

Foxborough,
liquor
licenses.Salem,
David
Halter.Springfield,
election.Ipswich,
housing.Stoneham,
capital
improvement
fund.

Stoneham,

By the same member, petition (accompanied by bill, House, No. 4074) of Paul C. Casey and others (by vote of the town) for legislation to authorize the town of Stoneham to lease the senior center barn; and

By Ms. Walz of Boston, petition (accompanied by bill, House, No. 4075) of Martha M. Walz and others (with the approval of the mayor and city council) relative to the administrative disposition of violations of certain housing, sanitary and building codes of the city of Boston;

Severally to the committee on Municipalities and Regional Government.

By Mr. Correia of Fall River, joint petition (accompanied by bill, House, No. 4076) of Joan M. Menard and Robert Correia (with the approval of the mayor and city council) relative to the appointment of special police officers in the city of Fall River;

By Ms. Flanagan of Leominster, petition (accompanied by bill, House, No. 4077) of Robert A. Antonioni and Jennifer L. Flanagan (with the approval of the mayor and city council) that the city of Leominster be authorized to grant a disability retirement to Thomas Kamataris;

By Mr. Ross of Wrentham, joint petition (accompanied by bill, House, No. 4078) of Richard J. Ross and Scott P. Brown (by vote of the town) for legislation to include certain members of the fire department under the provisions of the civil service law;

By Mr. Toomey of Cambridge, petition (accompanied by bill, House, No. 4079) of Timothy J. Toomey, Jr. (with the approval of the mayor and city council) for legislation to authorize the city of Cambridge to pay full salaries and benefits to employee s on military leaves of absence serving in combat operations or in Iraq or Afghanistan; and

By Mr. Welch of West Springfield, joint petition (accompanied by bill, House, No. 4080) of James T. Welch and Stephen J. Buoniconti (with the approval of the mayor and town council) that the town of West Springfield be authorized to appoint special police officers;

Severally to the committee on Public Service.

By Mr. Toomey of Cambridge, petition (accompanied by bill, House, No. 4081) of Timothy J. Toomey, Jr. (with the approval of the mayor and city council) that the city of Cambridge be authorized to abate certain real estate taxes assessed on property formerly owned by Cambridge Gore Limited Partnership. To the committee on Revenue.

By Mr. Swan of Springfield, petition (accompanied by bill, House, No. 4082) of Benjamin Swan (with the approval of the mayor and city council) that the city of Springfield be authorized to enter into a certain lease with the Springfield Library and Museums Association, notwithstanding the provisions of the uniform procurement law. To the committee on State Administration and Regulatory Oversight.

Severally sent to the Senate for concurrence.

Senior
center.Boston,
code
violation.Fall River,
special
police.Leominster,
Thomas
Kamataris.Wrentham, fire
fighters.Cambridge,
military
benefits.West
Springfield,
special
police.Cambridge,
Gore Limited
Partnership.Springfield,
library and
museum.

Creative
economy
council.

Petitions severally were presented and referred as follows:

By Mr. Bosley of North Adams, petition (subject to Joint Rule 12) of Daniel E. Bosley for legislation to establish a creative economy council within the Executive Office of Housing and Economic Development.

Kyphoplasty,
insurance.

By Mr. Evangelidis of Holden, petition (subject to Joint Rule 12) of Lewis G. Evangelidis for legislation to require certain health insurance policies to include coverage for kyphoplasty procedures for spinal disorders.

Worcester,
Father Adamo
Bridge.

By Mr. Fresolo of Worcester, petition (subject to Joint Rule 12) of John P. Fresolo for legislation to designate a certain bridge over Route 290 in the city of Worcester as the Father Joseph A. Adamo Bridge.

Newborns,
echo
cardiograms.

By Mr. Frost of Auburn (by request), petition (subject to Joint Rule 12) of Paul K. Frost for legislation to require health insurance policies to include coverage for echo cardiograms for newborn children.

Medical
examinations,
recordings.

By Mr. Galvin of Canton, petition (subject to Joint Rule 12) of William C. Galvin that claimants be authorized to record or videotape certain medical examinations under the workers' compensation law.

Iraq War, with-
drawal.

By Mr. Linsky of Natick, petition (subject to Joint Rule 12) of David Paul Linsky and others for adoption of resolutions by the General Court memorializing the Congress and the President of the United States to end the war in Iraq.

Driver's
license,
information.

By Mr. Murphy of Weymouth, petition (subject to Joint Rule 12) of James M. Murphy that the Registrar of Motor Vehicles be required to include emergency contact information on all licenses issued for the operation of motor vehicles.

Phosphorus,
regulating.

By Mr. Peterson of Grafton, petition (subject to Joint Rule 12) of George N. Peterson, Jr., for legislation to regulate the sale of dishwashing products containing phosphorus.

Donna Towner,
sick leave.

By Ms. Polito of Shrewsbury, petition (subject to Joint Rule 12) of Karyn E. Polito for legislation to establish a sick leave bank for Donna Tower, an employee of the Trial Court.

Notaries,
fees.

By Mr. Rush of Boston, petition (subject to Joint Rule 12) of Michael F. Rush for legislation to increase the fees payable for services provided by notaries public.

Lawrence, land
conveyance.

By Mr. Torrisi of North Andover, petition (subject to Joint Rule 12) of David M. Torrisi and others that the Division of Capital Asset Management and Maintenance be directed to convey a certain of land located in the city of Lawrence to said city.

Canton,
Irish Cultural
Centre.

By Mr. Walsh of Boston, petition (subject to Joint Rule 12) of Martin J. Walsh that the Registrar of Motor Vehicles be authorized to issue a distinctive registration plate for The Irish Cultural Centre of New England, Inc.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Bills

Authorizing the town of Lunenburg to exchange certain land (Senate, No. 1145) (on a petition) [Local Approval Received];

Lunenburg,
land
conveyance.
Springfield Water
and

Authorizing the Springfield Water and Sewer Commission to convey certain land (Senate, No. 1169) (on a petition);

Sewer
Commission,
land.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Drug
therapy.

A report of the committee on Elder Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 420) of Richard T. Moore, Joan M. Menard, Scott P. Brown, Jennifer M. Callahan and other members of the General Court for legislation to establish collaborative drug therapy management, and recommending that the same be referred to the committee on Health Care Financing,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2252) of Richard T. Moore and John V. Fernandes (by vote of the town) for legislation to exempt Jonathan M. Robertson from the maximum age requirements for applying for civil service appointment as firefighter in the town of Milford;

Jonathan M.
Robertson,
Milford.

Petition (accompanied by bill, Senate, No. 2253) of Richard T. Moore and John V. Fernandes (by vote of the town) for legislation to exempt Antonio F. Dinis from the maximum age requirements for applying for civil service appointment as police officer in the town of Milford; and

Antonio F.
Dinis,
Milford.

Petition (accompanied by bill, Senate, No. 2254) of Richard T. Moore and John V. Fernandes (by vote of the town) for legislation to exempt Alcino Fernandes from the maximum age requirements for applying for civil service appointment as police officer in the town of Milford;

Alcino
Fernandes,
Milford.

Severally to the committee on Public Service.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2260) of Stephen M. Brewer, James E. Timilty, Richard T. Moore, Scott P. Brown and other members of the General Court for legislation to provide for tuition and fee waivers for veterans. To the committee on Higher Education.

Veterans,
tuition
waiver.

Petition (accompanied by bill, Senate, No. 2261) of Robert S. Creedon, Jr. for legislation to improve juror service. To the committee on the Judiciary.

Juror
service.

Petition (accompanied by bill, Senate, No. 2262) of Benjamin B. Downing, Peter V. Kocot, Edward M. Augustus, Jr., John W. Scibak and other members of the General Court for legislation to create a tax incentive for renewable energy technology jobs creation. To the committee on Revenue.

Tax incentives,
renewable
energy.

The following notices were received from the Clerk of the Senate, to wit:—

June 1, 2007.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356 State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that Senate President Therese Murray has announced the appointment (pursuant to Section 66 of Chapter 3 of the General Laws) of Ms. Madhu Sridhar to the Massachusetts Commission on the Status of Women (MCSW) for the term that will expire on November 30, 2008.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

June 5, 2007.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356 State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that Senate President Therese Murray has announced the appointment (pursuant to Section 29A of Chapter 23G of the General Laws) of Vivian Li to the Brownfields Advisory Group for a term to expire on March 20, 2009.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

June 6, 2007.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356 State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that Senate President Therese Murray has announced the appointment (pursuant to Section 214 of

Status of
Women,
appointment.

Brownfields
Advisory
Group,
appointment.

Madeline Amy
Sweeney
Award,
appointment.

Chapter 6 of the General Laws) of Senators Susan C. Tucker and James E. Timilty to the Madeline Amy Sweeney Award for Civilian Bravery Committee.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Susan Williams Gifford and others that purchasers of defective or malfunctioning motor homes be covered under the "lemon law", so-called; and

Petition (accompanied by bill) of Frank I. Smizik relative to increasing the civil administrative penalties for certain violations by licensees of professions and occupations under the supervision of the Division of Professional Licensure;

Severally to the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill) of Matthew C. Patrick that tax assessors of cities and towns be directed to determine the fair cash valuation of affordable housing. To the committee on Housing.

Petition (accompanied by bill) of Eugene L. O'Flaherty relative to the summoning of jurors by the Office of the Jury Commissioner to perform juror services in the courts of the Commonwealth; and

Petition (accompanied by bill) of Geraldo Alicea and others for legislation to increase the penalties imposed for rape of mentally retarded persons;

Severally to the committee on the Judiciary.

Petition (accompanied by bill) of Byron Rushing and others that the Department of Public Health be directed to establish a program providing for the protection and safety of victims of violence; and

Petition (accompanied by bill) of Joyce A. Spiliotis and others for legislation to establish a board for the registration of phlebotomists;

Severally to the committee on Public Health.

Petition (accompanied by bill) of James H. Fagan and others that the Department of Correction be directed to establish a sick leave bank for Sharon Easter, an employee of said department; and

Petition (accompanied by bill) of Sarah K. Peake that the Teachers' Retirement Board be required to reimburse Thomas P. Johnson for certain interest accrued on retirement fund contributions;

Severally to the committee on Public Service.

Petition (accompanied by bill) of Angelo J. Puppolo, Jr., and others that the Governor of the Commonwealth issue an annual proclamation declaring the month of November as Thrombosis Awareness Month. To the committee on State Administration and Regulatory Oversight.

Petition (accompanied by bill) of Brian S. Dempsey and others for legislation to designate a certain bridge on Route 110 in the city of Haverhill as the Emilio Brothers Memorial Bridge; and

Motor homes,
lemon law.

Cosmetologists,
penalties.

Affordable
housing,
valuation.

Juror service,
regulating.

Mentally
retarded,
rape.

Violence
victims,
safety.

Phlebotomists,
registration.

Sharon
Easter,
sick leave.

Thomas P.
Johnson,
state
payment.

Thrombosis
Awareness
Month.

Haverhill,
Emilio
Brothers
Bridge.
Falmouth,
Raleigh D.

Costa
Bridge.

Petition (accompanied by bill) of Matthew C. Patrick for legislation to designate a certain bridge over the Coonamessett River on Route 28 in the town of Falmouth as the Lieutenant Raleigh D. Costa Memorial Bridge;

Severally to the committee on Transportation.

Under suspension of the rules, on motion of Ms. Rogeness of Longmeadow, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Senior Lifestyle
Retirement
Communities.

By Mr. Honan of Boston, for the committee on Housing, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 765) of Richard T. Moore and David B. Sullivan for legislation to protect the interests of consumers in senior lifestyle communities,— and recommending that the same be referred to the committee on Elder Affairs; and

Funeral
processions,
flashing
lights.

Of the petition (accompanied by bill, House, No. 1281) of Peter J. Koutoujian for legislation to authorize the use of flashing lights on motor vehicles leading funeral processions,— and recommending that the same be referred to the committee on Transportation.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Salem State
Assistance
Corporation.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to the Salem State College Assistance Corporation (Senate, No. 2242) ought to pass.

Under suspension of the rules, on motion of Ms. Rogeness of Longmeadow, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, it was referred to the committee on Ways and Means, on motion of Mr. DeLeo of Winthrop.

Judges,
increase.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to the number of trial court judges (House, No. 1378).

Bureau of
Fire Control,
benefits.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill regarding benefits for uniformed members of the Bureau of Fire Control (House, No. 2553).

Contagious
diseases,
presumption.

By the same member, for the same committee, on Senate, No. 1490 and House, Nos. 2520, 2788 and 2807, a Bill relative to disability or death caused by contagious diseases, presumption (House, No. 2788).

Motion
picture
industry.

By Mr. Binienda of Worcester, for the committee on Revenue, on a message from His Excellency the Governor, a Bill amending the law providing incentives to the motion picture industry (printed in House, No. 4043).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Parole
board.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill providing for behavioral science representation on the Parole Board (House, No. 1314) ought to pass. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

County

By Mr. Kaufman of Lexington, for the committee on Public Service, on House, Nos. 2449, 2524, 2578, 2627 and 2700, a Bill providing that certain physical conditions shall be presumed to have been suffered in the line of duty (House, No. 2578).

corrections,
heart law.

By Mr. Binienda of Worcester, for the committee on Revenue, on a petition, a Bill to authorize the town of Natick to borrow a certain sum of money (House, No. 3969) [Local Approval Received].

Natick,
borrow
money.

By Mr. Scaccia of Boston, for the committee on Rules, on a petition, a Bill regarding licensing Board salaries in the city of Boston (House, No. 2012) [Local Approval Received].

Boston,
Licensing
Board.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bill.

The engrossed Bill relative to certain real property in the city of Northampton (see House, No. 3975) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Orders of the Day.

The engrossed Bill designating a bridge in the city of Methuen as the Corporal David M. Vincente Bridge (see House, No. 3446) (which had been returned to the House by His Excellency the Governor with recommendation of amendments) (for message, see House, No. 4068), was considered.

Methuen,
David M.
Vincente
Bridge.

The amendments recommended by His Excellency the Governor then were adopted in the following form (as approved by the committee on Bills in the Third Reading):

By striking out the first sentence and inserting in place thereof the following sentence: "The bridge #M-17-010 on Lowell street, Route 113, spanning Bartlett brook in the city of Methuen shall be designated and known as the Corporal David M. Vicente Bridge, in honor of United States Marine Corporal David M. Vicente, who was killed in action in Iraq on March 19, 2004."; and by striking out, in the title, the name "Vincente" and inserting in place thereof the name "Vicente".

Sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next
sitting.

At a quarter before twelve o'clock noon, on motion of Mr. Murphy of Weymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.